



Kelso Planning Commission Agenda

**Regular Meeting at 6:00p.m.
Tuesday, May 10, 2016**

City Hall Council Chambers, 203 S. Pacific Ave.

| Agenda | Approved/ Denied | Remarks |
|--|---------------------|---------|
| Call to Order: 1. Roll Call. | | |
| Approve Minutes: 1. February 9, 2016 Regular Meeting minutes. 2. March 8, 2016 Regular Meeting Canceled. 3. April 12, 2016 Regular Meeting Canceled. | | |
| Presentation: Gregg Dohrn proposed changes to Landscaping standards, Parking regulations and Sign Code Also to be discussed: Longview regulations regarding Small Wind Energy Systems | | |
| Public Hearing: | | |
| Action/Motion Items: | | |
| Citizen Business: | | |
| Commission Business: | | |
| Adjournment: 1. Next regularly scheduled meeting June 14, 2016. | | |

City of Kelso Community Development Department (360) 423-9922.

The agenda can be found on the Kelso website at <http://www.kelso.gov/planning-commission/agendas>.



Community Development Department

203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626



**Kelso Planning Commission
Meeting Minutes
Tuesday, February 9, 2016
6:00 pm – 6:05 pm**

Commissioners Present: Rick VonRock, Daniel Graves, Charles Hendrickson, James Webb.

Commissioners Absent: Clark Hislop

Staff Present: Michael Kardas, Community Development Director; Stephanie Helem, Recording Secretary.

Call to Order:

Chair VonRock called the meeting to order at 6:00 pm.

Minutes:

Commissioner Hendrickson made the motion, seconded by Commissioner Graves, to approve the minutes of December 8, 2015, and January 19, 2016. Motion carried, all in favor.

Commission Business:

West Kelso Subarea Plan Draft. No presentation was conducted. There was a presentation of the plan at a joint Council/Planning Commission (Special) meeting, held during a previous council meeting. Staff asked if the Commission had any questions or would like to make a recommendation to Council. The Commission had no further questions.

A motion was made by Commissioner VonRock, seconded by Commissioner Graves, for a recommendation of approval of the West Kelso Plan Draft to Council. Motion carried, all in favor.

Citizen Business. No citizen business.

Other Business:

City Manager, Steve Taylor, thought the plan (Subarea) presentation went well at the previous council meeting. Mr. Taylor is hopeful the plan will have a long term meaningful impact on the community and help improve the neighborhood. Mr. Taylor thanked BERK (consultant), city staff, and the Planning Commission's review work of the plan.

Adjournment:

There being no further business, Commissioner VonRock adjourned the meeting at 6:05 pm.

Rick VonRock, Planning Commission Chair

Respectfully submitted: Stephanie Helem, Recording Secretary



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PUBLIC NOTICE

Planning Commission Meeting Tuesday, March 8, 2016 CANCELED

If you should have any questions in regards to the Planning Commission, please contact:
Michael Kardas, Community Development Director at (360) 577-3376.

Posted: Thursday, March 3, 2016



Community Development Department

203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626



PUBLIC NOTICE

Planning Commission Meeting Tuesday, April 12, 2016 CANCELED

If you should have any questions in regards to the Planning Commission, please contact:
Michael Kardas, Community Development Director at (360) 577-3376.

Posted: Friday, April 8, 2016

17.22.110 **Landscaping.**

Commented [GD1]: Incorporate Liberty Lake provisions requiring % of lot in landscaping. Connect this with impervious surface limitation. Why not say that all pervious surfaces must be landscaped?

A. The purpose of this Section is to ~~preserve the landscape character of the community, link the city's natural amenities with landscape greenbelts along scenic roads,~~ improve the aesthetic quality of the built environment, ~~promote~~encourage the retention and protection of existing vegetation, reduce the impacts of development on wetlands, streams and the natural environment, enhance the value of current and future development, and increase privacy for residential zones by:

1. ~~Encouraging the retention of~~ Retaining existing vegetation, tree stands and significant trees by incorporating them into the site design;
2. Incorporating native vegetation and drought-resistant plant material into new landscape developments, as appropriate;
3. Providing vegetated screening between different intensities of residential uses;
4. Providing vegetated screening between residential and nonresidential areas; and
5. Providing visual relief of parking areas in the multifamily, commercial, and industrial zones, neighborhood service centers (CNI), Kelso town center (CTC), west Kelso (CWK), light industrial (ILM) and multiple family (RMF) districts.

1. A landscaping plan ~~Landscaping~~ shall be required for all new development activities, except single-family residential building permits, in accordance with the provisions of this Section, ~~and as may be additionally required through conditional use review or in conjunction with subdivision requirements of this Title.~~

1. All plans must be prepared or approved by a landscape architect licensed by the state of Washington, a Washington certified nursery professional, or a Washington certified landscaper, unless waived by the City.
2. The landscaping plan shall be submitted in a format prescribed by the City and may include:
 - a. Property lines, easements, rights-of-way, and setbacks, streets and utilities within the subject property;
 - b. Environmentally sensitive areas and required buffers;
 - c. Existing and proposed grades of at least five-foot intervals;
 - d. Location of all existing and proposed buildings, structures and improvements within the property; and

e. Existing vegetation and significant trees to be retained:

- f. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurserymen (AAN). The planting plan shall specify the following:
 - (1) Tree protection strategies; and
 - (2) Vegetation clearing strategies; and
 - (3) Topsoil protection and reuse strategies; and
 - (4) Native soil amendment strategies; and
 - (5) Planting times and physical limits of construction; and
 - (6) Areas that require temporary or permanent irrigation.
- C. To encourage the use of native species and recommend planting conditions adaptive to Kelso, landscape designs shall conform to the following provisions:
 - 1. Significant trees and mature landscaping are encouraged to be retained. If not retained, they should be replaced.
 - 2. Areas not devoted to landscape required by this Chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.
 - 3. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of western Washington.
 - 4. New plant materials shall consist of drought-resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
 - 5. When the width of any landscape strip is twenty feet or greater, the required trees shall be staggered in two or more rows.
 - 6. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
 - 7. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.

~~a. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.~~

~~b. Existing soils may need to be augmented with fully composted organic material.~~

D. Performance Assurance.

1. Performance assurance is required to assure ~~the city~~ that ~~required the landscaping,~~ ~~required by this section,~~ is properly installed, will become established, and be adequately maintained. The form and type of the performance assurance device shall be determined by the City.
2. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the ~~City department~~ to verify installation in accordance with the approved plans.
3. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved by the City provided that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the ~~e~~City. The performance assurance device shall be for one hundred fifty percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.

E. Maintenance Assurance.

1. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.
2. Landscape areas shall be kept free of trash.
3. All plant material shall be managed by pruning so that plant growth does not conflict with public utilities, restrict pedestrian or vehicular access, or create a traffic hazard.
4. A maintenance assurance device shall be required for a period of three years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.
5. The maintenance assurance device amount shall not be less than twenty percent of the cost of replacing materials covered by the assurance device.

6. The form and type of the maintenance assurance device shall be determined by the City.
- F. Irrigation and Maintenance Requirements.
1. Irrigation systems shall be required in all new landscape areas to assure the proper establishment of and continued growth of landscaping.
 2. Temporary irrigation systems are acceptable where soils conditions and plant selection will tolerate the local climate and soil conditions. Temporary systems may be removed after twenty-four months or two growing seasons, whichever occurs first; provided, that the plantings are established.
 3. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas and impervious surfaces:
 - a. Considering soil type and infiltration rates; and
 - b. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and
 - c. Considering special problems posed by irrigation on slopes and in median strips.
- J. ~~All new landscape plantings and significant trees and tree stands to be retained shall be maintained to preserve the city's forested character.~~
- ~~1. All landscaping, significant trees and tree stands shall be maintained for the life of the project.~~
 - ~~2. All landscaped areas required by this chapter, significant trees and tree stands, except within critical areas or their protective buffers (defined in Title 18), should be maintained in a healthy growing condition.~~
 - ~~3. Landscape areas shall be kept free of trash.~~
 - ~~4. All plant material shall be managed by pruning so that plant growth does not conflict with public utilities, restrict pedestrian or vehicular access, or create a traffic hazard.~~
- K. ~~Where landscaping is required, a landscaping plan shall be required consistent with the requirements of this Section.~~
- ~~1. All required planting and significant tree and tree stand retention plans shall be clearly legible with a Title that includes the project name, owner's name, designer's name, date~~

Commented [GD2]: Is this provision necessary?

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~~and scale. All items shall be labeled, and north shall be oriented towards the top or left of the plan.~~

- ~~2. All plans must be prepared or approved by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper.~~
- ~~3. Planting Plan. A planting plan at a scale of no less than one inch equals thirty feet. The proposed landscape planting plan shall show the following:
 - ~~a. Property lines, easements, rights of way, and setbacks, streets and utilities within the subject property; and~~
 - ~~b. Existing and proposed grades of at least five foot intervals; and~~
 - ~~c. All new proposed construction and planting and any future construction and planting that is not included in the application; and~~
 - ~~d. Location of all existing and proposed buildings, structures and improvements within the property; and~~
 - ~~e. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurserymen (AAN). The planting plan shall specify the following:
 - ~~(1) Tree protection strategies; and~~
 - ~~(2) Vegetation clearing strategies; and~~
 - ~~(3) Topsoil protection and reuse strategies; and~~
 - ~~(4) Native soil amendment strategies; and~~
 - ~~(5) Planting times and physical limits of construction; and~~
 - ~~(6) Areas that require temporary or permanent irrigation.~~~~~~
- ~~4. Significant Tree and Tree Stand Retention Plan. The applicant shall submit a tree retention plan, concurrent with applicable permit application, whichever is reviewed and approved first. The tree retention plan may be combined with the planting plan and shall consist of:
 - ~~a. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. For detailed site~~~~

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plans and grading applications, the tree survey may be conducted by a method that locates individual significant trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and

- b. A development site plan identifying the significant trees and tree stands, as defined in subsection D of this section, which are proposed to be retained.

Perimeter landscaping shall be required when the subject property directly abuts various zoning districts and land uses in accordance with the provisions of the following Table 17.22.120.

Table 17.22.120(C)

| Zone | Abutting Zoning or Land Use | Perimeter Buffer Type | Buffer Width |
|---|--|------------------------------|---------------------|
| NC and RC Districts | Rights of way/roads | Filtered Screen | 5' |
| | RSF 5/10,, RMF | Partial Screen | 5' |
| Light Industrial (LI) District | Rights of way/roads | Filtered Screen | 10' |
| | Nonmanufacturing uses | Partial Screen | 10' |
| | Residential district | Filtered Screen | 20' |
| Areas Outside CTC, CWK, CNH and ILM Districts— Nonresidential Uses | Rights of way/roads | Filtered Screen | 10' |
| | RSF 15, 10, 5, RMF | Partial Screen | 10' |
| | Nonindustrial uses | Partial Screen | 10' |
| Town Center (CTC) District | Single family residential (RSF) district | Partial Screen | 3' |
| Multifamily Residential (RMF) District | Rights of way/roads | Filtered Screen | 10' |
| | Single family residential (RSF) district | Partial Screen | 5' |
| | Multifamily residential (RMF) district | Filtered Screen | 10' |
| West Kelso (CWK) District | Single family residential (RSF) district | Partial Screen | 5' |
| General Industrial (GI) | Commercial or light industrial | Partial Screen | 10' |
| | Residential | Filtered Screen | 20' |

A. Perimeter Landscaping Requirements.

Commented [GD3]: Differentiate between perimeter landscaping requirements and general landscaping requirements.

| Table 17.22.120 Perimeter Landscaping | | | |
|--|-----------------------------|-------------------------------------|----------------------------|
| | Abutting Zone or ROW | Perimeter Landscaping Buffer | Buffer Width (feet) |
| Residential Multifamily (RMF) | Rights-of-way | Filtered Screen | 10 |
| | RSF-5/10, MR | Partial Screen | 5 |
| | RMF | Filtered Screen | 10 |
| | OPN | | |
| General Commercial (GC) | Rights-of-way | Filtered Screen | 10 |
| | RSF-5/10, MR, RMF, NC | Partial Screen | 10 |
| | GC, RC, LI, GI | Partial Screen | 10 |
| | OPN | | |
| Regional Commercial (RC) | Rights-of-way | Filtered Screen | 5 |
| | RSF-5/10, MR, RMF, NC | Partial Screen | 5 |
| | GC, RC, LI, GI | Filtered Screen | 10 |
| | OPN | | |
| Light Industrial (LI) | Rights-of-way | Filtered Screen | 10 |
| | RSF-5/10, MR, RMF, NC | Filtered Screen | 20 |
| | GC, RC, LI, GI | Partial Screen | 10 |
| | OPN | | |
| General Industrial (GI) | Rights-of-way | Filtered Screen | 10 |
| | RSF-5/10, MR, RMF, NC | Filtered Screen | 20 |
| | GC, RC, LI, GI | Partial Screen | 10 |
| | OPN | | |

1. A partial screen provides a moderate vegetated separation between uses and land use districts and shall meet the following standards:
 - a. Minimum fifty percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least fifty percent being six feet high; and
 - b. Deciduous trees with a caliper of at least two inches at the time of planting; and

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- c. At least twenty percent of the trees shall be native species and drought-resistant; and
 - d. The number of trees is determined by dividing the length of the landscape perimeter by twenty feet; and
 - e. Evergreen shrubs at least twenty-one inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum four feet height at maturity; and
 - f. The number of shrubs is determined by dividing the length of the landscape perimeter by five feet; and
 - g. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
 - h. Plants may be clustered within the landscape perimeter to screen structures and parking areas.
2. A filtered screen provides a light vegetated separation between uses and land use districts and allows visual access to developments.
 - a. One hundred percent deciduous trees, two-inch caliper, spaced no more than thirty feet on center; and
 - b. Evergreen shrubs, minimum twenty-one inches in height at the time of planting, achieving a maximum height of three feet at maturity; and
 - c. Living ground cover shall be planted and spaced to achieve total coverage within three years.
 3. Existing vegetation may be used in lieu of new plant material ~~if not already being used to meet another requirement, except as otherwise provided in subsection D of this section (site interior retention of thirty percent of significant tree canopy).~~
 4. A partial screen will be required to screen utilities located above ground from adjacent uses.
 5. Perimeter landscaping shall be clustered in areas to screen structures, utility structures, loading areas, parking lots, trash enclosures, storage areas and mechanical equipment.
 6. Earth berms in combination with shrubs and trees may be used to achieve the initial planting height requirement.

7. The ~~City department~~ may approve the averaging of perimeter landscape widths to provide adequate screening if it meets the following criteria:
 - a. The total required perimeter dimension square footage shall be achieved;
 - b. Plant material may be clustered to more effectively screen parking areas and structures;
 - c. Does not diminish the quality of the perimeter landscape;
 - d. When significant trees are being retained.
- D. ~~To preserve the forested character of the city in all development, except those within the General Commercial (GC) town center (CTC) and west Kelso (CWK) districts, shall comply with the standards of this section.~~
 1. ~~Significant trees and tree stands located in perimeter landscape areas and within a site's interior shall be preserved as follows:~~
 - a. ~~Perimeter Landscape Areas:~~
 - (1) ~~Retain all significant trees and tree stands located in the perimeter landscape areas.~~
 - (2) ~~Perimeter landscape widths may be averaged to save significant trees, but shall not be reduced less than the allowed minimum perimeter dimension.~~
 - b. ~~Site Interior:~~
 - (1) ~~Retain thirty percent of the significant tree canopy on the site (which may include the perimeter landscape areas, critical areas and critical area buffers);~~
~~or~~
 - (2) ~~Retain fifteen percent of the total number of significant trees, excluding significant trees within the perimeter landscape areas, critical areas, and critical area buffers.~~
 - c. ~~Areas devoted to driveways, curb cuts, and sight distance requirements, utilities and storm drainage facilities are exempt from this requirement provided there are no feasible alternatives for their location.~~
 - d. ~~Significant trees and tree stands may be exempt from this requirement if it is determined by a qualified consultant, such as a landscape architect or arborist certified by the International Society of Arboriculture, that the vegetation is:~~

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- ~~(1) Damaged, diseased or standing dead trees; or~~
- ~~(2) Safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation; or~~
- ~~(3) Notwithstanding subsections D1 di and ii of this section, at the discretion of the department, damaged, diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide fish or wildlife habitat and are not classified as a danger.~~
- ~~e. If significant trees have been removed from a closed, forested situation, an adequate buffer of smaller trees shall be retained or planted on the fringe of such significant trees as determined by a qualified consultant, such as a landscape architect or an arborist certified by the International Society of Arboriculture.~~
- ~~f. The landscape architect or arborist shall be certified by the city as a qualified consultant and paid for by the applicant.~~
- ~~2. Significant trees and tree stands shall be protected during construction consistent with the following standards:~~
 - ~~a. No cutting of significant trees shall be allowed on a site until the planting and significant tree and tree stand retention plans have been approved by the department.~~
 - ~~b. An area of prohibited disturbance, generally corresponding to the drip line of the significant trees and/or tree canopy of tree stands, shall be identified by the applicant and approved by the department before commencement of site plan preparation. A temporary four foot high chain link or four foot high plastic net fence shall delineate the area.~~
 - ~~c. No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by such fencing.~~
 - ~~d. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree or tree canopy of tree stands.~~
 - ~~e. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - ~~(1) The drip line of the tree, or the tree canopy of tree stands;~~~~

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- ~~(2) As recommended by a consulting landscape architect or arborist certified by the International Society of Arboriculture.~~
- ~~f. Alternative protection methods may be used if determined by the department to provide equal or greater tree protection. Alternative protection methods must be recommended by a consulting landscape architect or arborist certified by the International Society of Arboriculture.~~
- ~~g. The landscape architect or arborist shall be certified by the city as a qualified consultant and paid for by the applicant.~~
- ~~3. Significant Trees and Tree Stand Replacement. When the required number of significant trees or tree stands are not retained, they shall be replaced as determined by the City department with:~~
 - ~~a. An equal number of transplanted significant trees or tree canopy; or~~
 - ~~b. New trees measuring one and one-half inch caliper if deciduous and four feet high if evergreen, at a replacement rate of one inch diameter for every one inch diameter (measured diameter breast height) of the removed significant tree or trees within a tree stand. The replacement rate determines the number of replacement trees. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. The replacement trees shall also be replaced in the same location as the trees removed.~~
 - ~~(1) Failure to replace or transplant trees will be enforced as provided in this code; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture.~~
 - ~~(2) If unauthorized tree(s) or vegetation removal occurs within the public right of way, all permits in force on the subject property shall be suspended and no new permits issued until the tree(s) or vegetation has been replaced or all penalties have been satisfied.~~
 - ~~c. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one gallon size planted four feet on center spacing, ground cover shall be one gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.~~
 - ~~d. If the significant tree and tree stand retention requirements of this section create an unnecessary hardship, the applicant may request a modification.~~

- ~~4. The City director may administratively approve a modification of the significant tree and tree stand requirements of this Section if:~~
- ~~a. The modification is necessary because of special circumstances relating to the location of existing significant trees and tree stands which prevents compliance with this section; and~~
 - ~~b. The special circumstances of the subject property make the strict enforcement of the provisions of this section an unnecessary hardship to the property owner; and~~
 - ~~c. The special circumstances of the subject property are not the result of the actions of the applicant; and~~
 - ~~d. The approving of the modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and~~
 - ~~e. The modification is consistent with the purpose and intent of this chapter; and~~
 - ~~f. The site design incorporates the retention of other natural vegetation in consolidated locations, which promotes the natural vegetated character of the site.~~

H. Parking Lot Landscaping. Landscaping within parking lots shall comply with the standards of this Section.

1. Within the Regional Commercial (RC), Light Industrial, and General Industrial Zones new development activities Neighborhood service center (CNH) Commercial (NC) district, Light Industrial (LD) light manufacturing (ILM) district, and for all nonresidential uses outside of the town center (CTC) district shall provide the following landscaping within parking lots:
 - a. Parking lots located adjacent to public rights-of-way shall provide:
 - (1) Landscape islands shall be provided at each end of all parking aisles;
 - (2) Trees within landscaped areas shall be provided at a rate of one tree for every four parking spaces with a minimum thirty percent evergreen trees;
 - (3) Evergreen shrubs minimum eighteen-inch height at the time of planting, spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape); and
 - (4) All landscaped areas shall be provided with evergreen ground cover planted and spaced to achieve total coverage within two years; and

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- b. Parking lots not located adjacent to public rights-of-way shall provide:
 - (1) Landscape islands shall be provided at each end of all parking aisles;
 - (2) Trees within landscaped areas shall be provided at a rate of one tree for every eight parking spaces;
 - (3) Evergreen shrubs minimum eighteen-inch height at the time of planting, spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape); and
 - (4) All landscaped areas shall be provided with evergreen ground cover plants and/or shrubs planted and spaced to achieve total coverage within two years.

- 2. Within the [General Commercial \(GC\) town center \(CTC\)](#), ~~west Kelso (CWK)~~ and Residential Multifamily (RMF) districts [new developments](#) shall provide the following landscaping within parking lots:
 - a. Parking lots located adjacent to public rights-of-way and in front of or to the side of buildings shall provide:
 - (1) Landscape islands at each end of all parking aisles;
 - (2) Trees within landscaped areas shall be provided at a rate of one tree for every two parking spaces when the parking lot is in front of the building and one tree for every four parking spaces when the parking lot is to the side of the building;
 - (3) Evergreen shrubs minimum eighteen-inch height at the time of planting, spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape);
 - (4) Deciduous trees minimum two-inch caliper, spaced no more than thirty feet on center, located along the public rights-of-way (this may be achieved with the perimeter landscape); and
 - (5) All landscaped areas shall be provided with evergreen ground cover planted and spaced to achieve total coverage within two years; and

 - b. Parking lots located behind building and not adjacent to the right-of-way shall provide:
 - (1) Landscape islands shall be provided at each end of all parking aisles;

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(2) Trees within landscaped areas shall be provided at a rate of one tree for every eight parking spaces;

(3) All landscaped areas shall be provided with evergreen ground cover plants and/or shrubs planted and spaced to achieve total coverage within two years.

3. Parking lot landscaping shall comply with the following standards:

- a. Maintain shrubs at a maximum three feet height so views between vehicles and pedestrians will not be blocked.
- b. Trees shall be provided at a minimum two-inch caliper for deciduous trees and six feet in height for evergreen trees.
- c. Landscaping in planting islands or strips shall have an area of at least one hundred square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.
- d. Provide permanent curbs or wheel stops to protect the plantings from vehicle overhang.
- e. Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
- f. Clustering of new plant material within parking lots may be approved or required by the department if the intent of this section is met.
- g. Trees within parking areas shall be of appropriate species for parking lots.

F. ~~To encourage the use of native species and recommend planting conditions adaptive to Kelso, landscape designs shall conform to the following provisions:~~

- ~~1. Areas not devoted to landscape required by this Chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.~~
- ~~2. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of western Washington.~~
- ~~3. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.~~
- ~~4. When the width of any landscape strip is twenty feet or greater, the required trees shall be staggered in two or more rows.~~

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- ~~5. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.~~
- ~~6. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.~~
- ~~7. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.~~

~~Existing soils may need to be augmented with fully composted organic material.~~

~~G. Performance Assurance.~~

- ~~1. Performance assurance is required to assure the city that the landscape, required by this section, is properly installed, will become established and be adequately maintained.~~
- ~~2. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with the approved plans.~~
- ~~3. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved by the City department if the director determines provided that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for one hundred fifty percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.~~
- ~~4. The form and type of the performance assurance device shall be determined by the director City.~~

~~H. Maintenance Assurance.~~

- ~~1. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.~~
- ~~2. A maintenance assurance device shall be required for a period of three years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.~~
- ~~3. The maintenance assurance device amount shall not be less than twenty percent of the cost of replacing materials covered by the assurance device.~~

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~~4. The form and type of the maintenance assurance device shall be determined by the director~~City.

~~I. Irrigation and Maintenance Requirements.~~

~~1. Irrigation systems shall be required in all new landscape areas to assure the proper establishment of and continued growth of landscaping.~~

~~2. Temporary irrigation systems are acceptable where soils conditions and plant selection will tolerate the local climate and soil conditions. Temporary systems may be removed after twenty four months or two growing seasons, whichever occurs first; provided, that the plantings are established.~~

~~Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas and impervious surfaces:~~

~~Considering soil type and infiltration rates; and~~

~~b. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and~~

~~e. Considering special problems posed by irrigation on slopes and in median strips.~~

~~J. All new landscape plantings and significant trees and tree stands to be retained shall be maintained to preserve the city's forested character.~~

~~1. All landscaping, significant trees and tree stands shall be maintained for the life of the project.~~

~~2. All landscaped areas required by this chapter, significant trees and tree stands, except within critical areas or their protective buffers (defined in Title 18), should be maintained in a healthy growing condition.~~

~~3. Landscape areas shall be kept free of trash.~~

~~4. All plant material shall be managed by pruning so that plant growth does not conflict with public utilities, restrict pedestrian or vehicular access, or create a traffic hazard.~~

~~K. Where landscaping is required, a landscaping plan shall be required consistent with the requirements of this sSection.~~

~~1. All required planting and significant tree and tree stand retention plans shall be clearly legible with a title~~Title ~~that includes the project name, owner's name, designer's name,~~

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~~date and scale. All items shall be labeled, and north shall be oriented towards the top or left of the plan.~~

~~2. All plans must be prepared or approved by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper.~~

~~3. Planting Plan. A planting plan at a scale of no less than one inch equals thirty feet. The proposed landscape planting plan shall show the following:~~

~~a. Property lines, easements, rights of way, and setbacks, streets and utilities within the subject property; and~~

~~b. Existing and proposed grades of at least five foot intervals; and~~

~~c. All new proposed construction and planting and any future construction and planting that is not included in the application; and~~

~~d. Location of all existing and proposed buildings, structures and improvements within the property; and~~

~~e. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurserymen (AAN). The planting plan shall specify the following:~~

~~(1) Tree protection strategies; and~~

~~(2) Vegetation clearing strategies; and~~

~~(3) Topsoil protection and reuse strategies; and~~

~~(4) Native soil amendment strategies; and~~

~~(5) Planting times and physical limits of construction; and~~

~~(6) Areas that require temporary or permanent irrigation.~~

~~4. Significant Tree and Tree Stand Retention Plan. The applicant shall submit a tree retention plan, concurrent with applicable permit application, whichever is reviewed and approved first. The tree retention plan may be combined with the planting plan and shall consist of:~~

~~a. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. For detailed site~~

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~~plans and grading applications, the tree survey may be conducted by a method that locates individual significant trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and~~

- ~~b. A development site plan identifying the significant trees and tree stands, as defined in subsection D of this section, which are proposed to be retained.~~

17.40.120 Parking. Parking facilities shall be provided for all development at the time of erecting new structures or at the time of enlarging, moving or increasing capacity by creating or adding dwelling units, commercial or industrial floor space or seating facilities.

A. General Requirements.

1. Driveways, parking areas, and walkways shall accommodate pedestrians, motor vehicles and bicycles used by occupants or visitors of a ~~building structure~~ or use. ~~Location is subject to review of the planning and engineering departments.~~
2. No building permit shall be issued until the applicant has submitted satisfactory plans demonstrating that required parking facilities will be provided and maintained. These plans must be approved by the eCity in conjunction with a permit review process, ~~and approved by the community development director.~~
3. All driveways and other parking areas shall be hard surfaced with permanent materials such as asphalt, concrete or unit pavers, and shall be designed to dispose of surface water and pollutants from motor vehicles as provided in the city's code.
4. Unless otherwise approved by the City, only a single access to public right-of-way is allowed for an individual lot. Joint use of required access ways may be ~~permitted~~~~required~~ at the discretion of the eCity.
5. With the exception of single-family and duplex buildings on individual lots accessing nonarterial streets, access and parking spaces shall be designed so that no backing movement by a vehicle shall be allowed onto a public right-of-way.
6. No parking space may block access to other parking spaces. Tandem parking may be approved for a single residence, individual dwelling units of a multifamily structure or in limited single-tenant office-type applications.

A. Spaces Required.

1. All parking lots shall comply with the minimum requirements for handicapped parking spaces, as required by Washington state regulations related to barrier-free facilities.
2. New residential developments shall provide the following off-street parking in accordance with the provisions of this Section:
 - a. Single family: 2 per unit;
 - b. Multifamily: \geq 1.5 per unit, provided that this may be reduced for projects of 20 or more units through a variance based on the results of a parking study documenting how parking requirements can be met onsite;

c. Mixed-use: 1 per unit; and

d. Accessory dwelling unit: 1 per unit.

Table 17.22.130 establishes the required number of spaces based on the use. Parking lots may provide an additional ten percent of the established amount when necessary to avoid design issues. Additional spaces above ten percent may be approved through administrative review.

Table 17.22.130 Vehicular Parking Requirements

| | |
|--|---|
| Residential | 2 per unit |
| Accessory dwelling unit | 1 per unit |
| Dwelling unit in mixed-use structure | 1 per unit |
| Retail, commercial and personal services less than 1,000 sf structure | 4 spaces and 1 per employee |
| Retail, commercial and personal services greater than 1,000 sf structure | 4 per 1,000 sf (Min) 6 per 1,000 sf (Max) |
| Industrial | 1 per employee 1 per 250 sf office 2 per 1,000 sf GFA |
| Restaurants | 16 per 1,000 sf GFA (Min) 22 per 1,000 sf GFA (Max) |
| Motels, hotels, bed and breakfast | 1 per accommodation 2 for owner/manager |
| Places of assembly including auditoriums, theaters and banquet rooms | 10 spaces/1,000 sf or 1 per 4 seats (Min) 2 per 4 seats (Max) |
| Elementary, middle or junior high schools | 1 per 50 students (Min) 3 per 50 students (Max) and 1 space per employee |
| High schools | 1 per 6 students (Min) 1 per 3 students (Max) plus 1 per employee |
| Governmental, health care and recreation facilities | As determined by the City director |
| Day care | 1 space per employee and 0.33 per capacity |

3. For all non-residential uses ~~uses not specified in Table 17.40.060(B)~~ or for special cases involving new residential developments, the required minimum parking amount shall

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be determined by the ~~City community development director~~. For determination by the ~~director~~City, the ~~a~~Applicant shall supply:

- a. Documentation regarding actual parking demand for the proposed use; or
 - b. Technical studies relating the parking need for the proposed use; or
 - c. Required parking for the proposed use as determined by other comparable jurisdictions.
4. ~~For the General Commercial (GC) town center (CTC) zoning district retail, commercial and personal services shall provide a minimum of two and a maximum of three parking spaces for each one thousand square feet of floor area.~~
 5. ~~For the west Kelso (CWK) zoning district retail, commercial and personal services shall provide a minimum of three and a maximum of four parking spaces for each one thousand square feet of floor area.~~
 6. Subject to approval as part of site plan review, the parking requirement in the ~~GC town center (CTC)~~ zoning district may be met by contributing into a public or cooperative commercial effort to create new parking in that zone. The amount of the contribution shall be equivalent to that necessary to provide the required number of parking spaces.
 7. ~~In the GC town center (CTC) zoning district, new parking spaces will not be required for additions to existing buildings that are less than twenty five percent of the existing floor area and less than one thousand square feet. This exception to the parking requirement may be utilized only once per property and does not apply to additions or remodeling for the purpose of adding residential units.~~
 8. ~~The required parking for two or more complementary uses may be reduced up to fifty percent when provided by a common parking lot. The reduction shall be authorized through the issuance of a conditional use permit.~~
 9. Parking Exceptions for Historic Structures. When a change in use within a historic structure would necessitate additional off-street parking, the additional off-street parking may be reduced or waived ~~through administrative review~~. The Applicant shall be required to show the need for a reduction or waiver and shall be the minimum necessary.
 10. Existing parking deficits of legally established uses assigned to existing structures shall be allowed to continue even if a change of use occurs; provided, that in the judgment of the ~~City community development director~~ the new use would not necessitate more parking spaces than the previous use.

11. ~~—All parking facilities, except those serving single family residences, shall contain bicycle parking facilities that allow secure locking of both the frame and wheels of a bicycle. One bicycle space shall be provided for every three parking spaces with a minimum of five spaces provided for each parking lot.~~

C. Location of Parking Facilities.

1. Parking in the ~~General Commercial (GC) town center (CTC) and west Kelso (CWK) zoning districts~~ shall be located behind, to the side or under buildings. Parking shall not be located between a building and the front lot line, unless an ~~a~~Applicant can demonstrate that locating parking between a building and the front lot line is the only feasible location.
2. ~~Parking outside of the town center (CTC) and west Kelso (CWK) zoning districts is encouraged to be located behind, under or to the side of buildings.~~
3. Parking spaces serving dwelling units shall be located on the same lot with the building they serve, ~~unless plans are submitted for off-site or shared parking are submitted for City review and approval. or, if approved by the director~~City, within two hundred feet of dwelling unit if consolidated with other spaces on a remote lot.
4. ~~Parking spaces serving nonresidential uses may be located off site consolidated in a remote location as permitted by this title~~Title or through ~~site plan review. Type III review.~~

D. Design Standards

1. ~~All parking spaces and lots shall be designed in accordance with the provisions of the Kelso Engineering Design Manual (KEDM). Parking lots shall be designed according to Table 17.40.060(D). Space depth shall be measured exclusive of access drives and aisles, and car overhangs.~~

Commented [GD1]: Can any more of the following provisions be deleted in lieu of complying with the standards in the KEDM?

Table 17.40.060(D)

| Parking Angle | Curb Length | Space Width | Space Depth | Aisle Width (paved surface) | Direction of Travel |
|---------------|-------------|-------------|-------------|-----------------------------|---------------------|
| 0 degrees | 20 feet | 8.5 | N/A | 24 feet | Two-way |
| 45 degrees | 12 feet | 8.5 feet | 18 feet | 13 feet | One-way |
| 45 degrees | 12 feet | 8.5 feet | 18 feet | 24 feet | Two-way |
| 60 degrees | 9.8 feet | 8.5 feet | 18 feet | 18 feet | One-way |
| 60 degrees | 9.8 feet | 8.5 feet | 18 feet | 24 feet | Two-way |

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| Parking Angle | Curb Length | Space Width | Space Depth | Aisle Width (paved surface) | Direction of Travel |
|---------------|-------------|-------------|-------------|-----------------------------|---------------------|
| 90 degrees | 8.5 feet | 8.5 feet | 18 feet | 24 feet | Two-way |

1. Parking lots shall have direct access to a street or road easement and shall provide unobstructed access driveways exclusive of the required parking areas.
3. ~~Where parking spaces are designated, grades shall not exceed six percent. Driveways and driving lanes between separate groups of parking shall not exceed fourteen percent. Parking areas on sloping lots shall be laid out so that parked cars lie perpendicular to the slope. Where existing grades on property proposed for a parking lot exceed ten percent, the City may require a topographic survey to show existing and proposed grades. In no case shall grades be less than one-half of one percent.~~
4. ~~All parking spaces and driving aisles serving adjacent parking spaces, except those serving single-family residences, shall not be located within required front, rear or side yards. This restriction does not include access aisles.~~
5. The ~~City~~ administrative official, through ~~site plan~~ administrative review, may approve reductions of up to fifty percent of the setback requirements and the limits on contiguous parking spaces if major trees are saved and incorporated in the design of circulation and parking. Any reduction approved shall be the minimum reduction necessary to save threatened significant trees.
6. Driveways and parking lots may be provided with lighting that is mounted on poles or building surfaces with lamp position not exceeding twenty feet in height. All light sources shall be hooded or shielded so that the lamp is not visible from adjacent properties or public rights-of-way.
7. Joint Use. The required parking for two or more complementary uses may be reduced up to fifty percent when provided by a common parking lot. All property owners involved shall submit a letter to the City agreeing to the joint use of the parking lot. The authorized reduction shall be based on hours of operation of both uses as well as the number of parking spaces required for each use.
8. ~~Exceptions and Adjustments. In cases where an adjustment for a driveway to accommodate a substantial percentage of oversized vehicle traffic exists, the wider commercial driveway width may be approved by the city engineer. In this case the driveway should be sized to accommodate the largest vehicles. Where intersection openings are approved, the width shall be as determined by the city engineer. Upon conditions of approval by the city engineer, driveways on local access streets serving single-family homes may be up to thirty feet in width.~~

- E. Circulation and Walkways in Multifamily and Nonresidential Development.
1. Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians.
 2. Landscaped islands with raised curbs shall be used to define entrances from public rights-of-way, define pedestrian walkways from the public rights-of-way to all buildings, define ends of parking aisles and indicate the pattern of circulation.
 3. Pedestrian walkways shall be provided around buildings to the extent necessary to assure safe access to the building from parking areas and the public right-of-way. Where appropriate, as determined by the approving body, pedestrian walkways may be required to assure safe access to adjacent properties.
 4. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width. Where walkways cross vehicular driving lanes, the walkways shall be constructed of contrasting materials or with maintained painted markings. Walkways shall be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or is required to meet accessibility standards.
- F. When a parking lot or vehicular circulation abuts side or rear yards, except when serving only single-family residences, a sight-obscuring fence or vegetation barrier ~~in accordance with Section 17.40.050~~ shall be installed within adjacent yards. Fences shall be at least five but not more than six feet in height, and may be planted with climbing ivy or other evergreen vine. In commercial zones or mixed-use projects, this requirement may be waived as part of the final decision on the permit, upon written agreement from adjoining property owners.
- G. Driveways and parking lots may be provided with lighting that is mounted on poles or building surfaces with lamp position not exceeding twenty feet in height. All light sources shall be hooded or shielded so that the lamp is not visible from adjacent properties or public rights-of-way.
- H. ~~All parking facilities, except those serving single family residences, shall contain bicycle parking facilities that allow secure locking of both the frame and wheels of a bicycle. One bicycle space shall be provided for every ten parking spaces with a minimum of two spaces provided for each parking lot.~~
- I. Parking and loading areas within the LI and GI zones shall comply with the following additional standards:
1. On-street parking or staging of trucks, equipment or goods on public streets is prohibited.

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2. Where practicable, primary vehicular access shall avoid streets or easements that primarily serve residential uses.
 3. No new curb cuts shall be allowed onto public streets if it is possible for a development to share an access drive with an existing facility.
 4. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage where multiple access points are provided.
 5. Internal circulation shall be designed for safety and efficiency by reducing conflicts between vehicular and pedestrian traffic, combining circulation and access areas where possible, providing adequate truck maneuvering, stacking, and loading areas and accommodating emergency vehicle access.
 6. To reduce noise and visual conflicts with neighboring properties and public streets, loading facilities shall be located internal to the site or where conflict with neighboring properties will be reduced. Loading facilities shall not face nonindustrial properties.
 7. Loading docks and doors facing a public street shall be offset from the access drive and shall be screened from the street.
- J. ~~Downtown Parking Improvement District. The establishment of a downtown parking improvement district shall exempt those property owners who wish to participate in the improvement district to create additional off street parking in the downtown area. It is anticipated that the district will help maintain and enhance the unique characteristics and diversity of the downtown area of the city.~~
- ~~1. The boundaries of the downtown parking improvement district shall be indicated on the official zoning map.~~
- ~~Those parcels of land/businesses that may be located within the downtown parking improvement district shall be exempt from additional on site parking requirements, as may be required elsewhere in this code.~~

17.22.090 **Signs**

Commented [GD1]: Review with City Attorney.

- A. ~~Purpose.~~ The purposes of ~~the standards in~~ this Section are to:
- ~~1. To promote signs that are complementary to buildings and to the uses to which they relate;~~
 - ~~2. To encourage the promotion of the community's appearance by regulating the design, location, type, scale, illumination, and maintenance of signs;~~
 - ~~3. To allow businesses to identify their premises and advertise their products;~~
 - ~~4. To protect the public health, safety and welfare of the community;~~
 - ~~5. To review the use of signs that provide direction and aid orientation for businesses and activities;~~
 - ~~6. To encourage the effective use of signs for communication in the city;~~
 - ~~7. To establish a permit system that allows a variety of types of signs in commercial and industrial districts and a limited variety of signs in other districts, subject to the standards and the permit procedures of this Section; and~~
 - ~~8. To prohibit all signs not expressly allowed by this Section.~~
1. To maintain or improve the aesthetic quality of the City's residential, commercial and industrial environments;
 2. To encourage the effective use of signs as a means of communication in the city;
 3. To protect property values;
 4. To provide aesthetic benefits to business districts and the community at large through consistency in style, placement, and scale of signs with buildings, natural settings and other signs;
 5. To maintain the city's ability to attract sources of beneficial economic development and growth;
 6. To promote the public health, safety and welfare;
 7. To minimize possible adverse effects of signs on abutting or adjacent public and private properties;
 8. To prevent the proliferation of signs and sign clutter;

- 9. To minimize adverse visual safety factors to travelers on public roadways and private areas open to public vehicular traffic;
- 10. To provide for the safe construction, location, erection and maintenance of signs;
- 11. To provide for sign-related administration, permitting, fees payment, enforcement and appeal on a fair and consistent basis.

B. Applicability.

- 1. All new signs, temporary signs, and the physical alteration of existing signs shall require a permit from the City, unless specifically exempted or waived by the City. No sign, including a copy change, or temporary sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit approved by the city. The director of community development or his/her designee shall review all sign permit applications unless otherwise provided.
 - a. All signs shall provide evidence of compliance with this Section, the Uniform Building Code, Uniform Sign Code, and other applicable state and/or federal regulations concerning signs prior to installation and uses. Any sign over six feet in height is required to receive building permit approval.
 - b. All signs except for temporary or portable recognized by this Section shall be permanently attached to the ground, to a building or another structure by direct attachment to a rigid wall, frame or structure.
 - c. All temporary or portable signs shall be continuously located outside of the public right-of-way, unless specifically authorized by the City.
 - d. All legally installed and operated signs shall be maintained at all times in good structural condition.
- 2. Exemptions. The following may be determined by the City to be exempt from the provisions of this Chapter. Please consult with the City Planning Department to confirm that the proposed visual is exempt from these regulations before initiating any activities:
 - a. Temporary, on-site real estate signs;
 - b. Temporary political campaign signs not to exceed 8 square feet, provided they are removed within ten days of the election;
 - c. Temporary construction signs erected in conjunction with a valid building permit not to exceed a total of 64 square feet excluding approved safety signs;

Commented [GD2]: Research this, the City may not be able to regulate the size of a political sign. 32 sq ft is a standard sized sign.

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- d. Legal notices and official public notices approved by the City;
 - e. Signs required by law, including the Americans with Disabilities Act;
 - f. Signs owned and maintained by a federal, state, or local government agency including but not limited to, street and highway signs, signs necessary to protect the public health and safety, directional signs, and/or public information signs;
 - a. Signs related to trespassing, solicitation or hunting;
 - b. Approved interpretative signs, historic markers, memorials, cemetery markers, or gravestones;
 - c. Historical site plaques and signs integral to a historic building;
 - d. Building address numbers;
 - e. National flags, or flags of political subdivisions;
 - f. Holiday lights, banners, decorations with no commercial message, ~~built on private property or in the public right-of-way;~~
 - g. Murals on commercial structures that do not include a commercial message;
 - n. Product dispensers;
 - o. Any signage within the public right-of-way, approved by a public agency, ~~except projecting signs, whose standards are established and regulated by the Kelso Engineering Design Manual (KEDM);~~
 - p. Traffic control signs on private property which meet Department of Transportation standards that contain no commercial message of any sort;
 - q. Way finding signs on private property that do not contain a commercial message;
 - r. Awnings that do not contain a commercial message; and
 - s. Signs necessary to the expression of constitutionally protected forms of free speech as determined by the City Attorney.
3. Signs Prohibited in the City. The following signs are prohibited in all zones unless otherwise specifically permitted.

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- a. Signs, which by coloring, lighting, shape, wording or location resemble or conflict with traffic control signs or devices;
 - b. Signs that create a safety hazard for pedestrian or vehicular traffic;
 - c. Flashing signs;
 - d. Flashing or neon lighting used as an alternative to signage. Exposed neon on signs;
 - e. Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
 - f. Roof signs.
 - g. Freestanding signs with unconcealed pole supports.
 - h. Rotating, spinning, or motorized signs.
 - i. Billboards.
 - j. Signs attached to towers or wireless communication support towers.
 - k. Inflatable signs.
 - l. Signs attached to benches that advertise businesses, goods, services, etc.
 - m. Signs attached to utility poles; and
 - n. Commercial off-premise signs; and
 - o. Awnings with a commercial message.
4. Legally installed signs that do not meet the provisions of this Chapter, shall be considered legal, non-conforming signs and may be continued provided that they are maintained good repair in accordance with the following provisions:
- a. A nonconforming sign shall immediately lose its nonconforming designation if:
 - (1) The sign is altered in structure or sign face area which tends to be or makes the sign less in compliance with the requirements of this section than it was before the alteration; or
 - (2) The sign is relocated; or

Commented [GD3]: This is a common provision, is it appropriate in Kelso?

- (3) The sign is replaced; or
- (4) Any new sign is erected or placed in connection with the enterprise using the nonconforming sign; or
- (5) The sign face and/or sign structure is not maintained in good repair so as to cause the potential for public harm or injury to life or property.

B. Maintenance and Safety.

1. All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition.
2. The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, business or organization erecting, owning or operating a sign within the city of Kelso for personal injury or property damage resulting from the placement of a sign, or resulting from the negligence or willful acts of such person, business or organization, its agents, employees, contractors or workmen in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall it be construed as imposing on the City or its officers or employees any responsibility or liability by reason of the approval or disapproval of any signs, materials or devices under the provisions of this Section.
3. No sign may be erected or displayed in a manner that may present a threat to public safety and required sight distances shall be maintained at all times.
4. Any violations of this Section such as the placement of prohibited signs on a property or the failure to maintain existing or new signage in good condition shall be subject to the code enforcement actions.

C. Table 17.22.100

| Sign Type | | | | | | | |
|---------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | RSF | RMF | NC | GC | RC | LI | GI |
| Billboards | | | | | | P | P |
| Off-premises signs | | | P | P | P | P | P |
| Freestanding signs | P ₁ | P ₂ | P | P ₆ | P | | |
| Freeway signs | | | | | P ₇ | P ₇ | P ₇ |
| Fascia signs | P ₁ | P ₂ | P | P | P | | |
| Projecting signs | | | P | P | P | | |
| Rooftop signs | | | | | | | |
| For sale/lease/rent signs | P | P | P | P | P | | |
| Rotating signs | | | | | | | |
| Flashing signs | | | | | | | |
| Message board | | | P ₄ | P ₄ | P ₄ | P ₄ | P ₄ |
| Directional signs | ??? | P | P | P | P | P | P |
| Business complex | | | P | P | P | P | P |
| Electric signs | | P ₃ | P ₅ | P ₅ | P ₅ | P ₅ | P ₅ |
| Political signs | P | P | P | P | P | P | P |
| Sandwich board signs | | | P | P | P | | |
| Temporary signs | P | P | P | P | P | P | P |
| Special-service signs | | | | P | P | P | P |

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C. The following Table shall be used to determine whether a particular type of sign may be permitted in a given zoning district.

1. Only those uses identified with a P (Permitted), or T (Permitted only through a Temporary Use Permit) may be approved. Those uses identified with an X or a blank cell are not permitted in that zone.

| Type of Sign/Zoning District | <u>RSF-5/10</u> | <u>RMD</u> | <u>RMF</u> | <u>NC</u> | <u>GC</u> | <u>RC</u> | <u>LI</u> | <u>GI</u> | <u>OPN</u> |
|------------------------------|-----------------|----------------|-------------|-----------|-------------|-----------|-----------|-----------|------------|
| <u>Fascia signs</u> | <u>P(1)(2)</u> | <u>P(1)(2)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>(4)</u> |
| <u>Freestanding signs</u> | <u>P(1)</u> | <u>P(1)</u> | | <u>P</u> | <u>P(3)</u> | <u>P</u> | <u>P</u> | <u>P</u> | (4) |
| <u>Freeway signs</u> | - | - | - | - | - | <u>P</u> | <u>P</u> | <u>P</u> | (4) |
| <u>Message boards</u> | <u>P(1)</u> | <u>P(1)</u> | <u>P(1)</u> | | <u>P(3)</u> | <u>P</u> | <u>P</u> | <u>P</u> | (4) |
| <u>Monument signs</u> | - | - | <u>P</u> | <u>P</u> | <u>P(3)</u> | <u>P</u> | <u>P</u> | <u>P</u> | (4) |
| <u>Projecting signs</u> | - | - | - | <u>P</u> | <u>P</u> | <u>P</u> | - | - | (4) |
| <u>Sandwich board signs</u> | - | - | - | <u>T</u> | <u>T</u> | <u>T</u> | - | - | (4) |
| <u>Temporary signs</u> | <u>T</u> | <u>T</u> | <u>T</u> | <u>T</u> | <u>T</u> | <u>T</u> | <u>T</u> | <u>T</u> | (4) |
| <u>Wall signs</u> | <u>P(1)(2)</u> | <u>P(1)(2)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | (4) |

Commented [GD4]: Merged with Wall signs.

1. Permitted only for the following uses: schools, churches and ~~city~~ government uses.
2. ~~Permitted only for the following uses: schools, churches, city government buildings, and apartment complexes.~~
3. ~~No neon may be used as a light source. For internally illuminated signs, have an opaque background and the illuminated portion of the sign face must not exceed forty percent of the sign area. The light source will be no further away from the sign than the height of the sign.~~
4. ~~Must include time and temperature~~ Permitted on approved home businesses in accordance with the provisions of KMC 17.22.040 Home Businesses.
5. ~~Internally illuminated signs shall have an opaque background and the illuminated portion of the sign face must not exceed forty percent of the sign area. The light source will be no further away from the sign than the height of the sign.~~
6. Not allowed within the Downtown Design Review Overlay District or the West Main Street Pedestrian Overlay Zone ~~downtown design guidelines overlay zone.~~

4. Non-commercial signs may be permitted in the Open Space zone through a Class 2 permit based on a finding that the signage is consistent with the use of the property and is in the public interest.

D. All signs shall comply with the standards specified in the tables and the written standards and regulations contained within this ~~s~~Section.

1. Size of signs shall be measured based upon the area of the sign devoted to advertising copy or electronic message boards.

2. Where a numerical height limit is imposed by this Section, the height shall be measured from finished grade of the nearest public street to the top of the sign face or sign face enclosure.

3. All signs must be located on-site and may not extend into the public right-of-way unless specifically authorized.

a. Projecting signs may extend over a sidewalk subject to City approval.

b. Sandwich board signs may be placed in the public right-of-way in accordance with the provisions for temporary signs, subject to City approval.

~~a.c.~~ No sign may be constructed or displayed in a manner that adversely affects the public safety, required sight distances and clear view triangles shall be maintained at all time.

4. It is important to note that some signs may also be subject to the provisions of state and federal laws, such as the Scenic Vistas Act (RCW 47.42), the regulations of the Washington State Department of Transportation, and/or the regulations of the Washington State Liquor and Cannabis Control Board.

a. It shall be the responsibility of the Applicant to be knowledgeable of and comply with the provisions of applicable local, state, and federal standards.

b. The City may require documentation of compliance with applicable state and local standards.

E. Sign Standards.

1. Electronically changeable message board signs.

a. ~~All permits for electronically changeable signs shall:~~

Commented [GD5]: Many communities add restrictions on the brightness and colors.

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(1) Provide evidence of manufacture and installation in compliance with NFPA 70, the National Electric Code (NEC).

(2) Provide a Nationally Recognized Testing Laboratory (NRTL) file number from the sign manufacturer.

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2. FasciaWall Signs.

a. No more than ~~2~~ wall fascia signs per street frontage may be permitted.

a.b. WallFascia signs must be attached or erected parallel to and not extending more than ~~ten~~eighteen inches from the wall, facade, or face of any building to which it is attached and supported throughout its entire length with the exposed face of the sign parallel to the plane of the wall or facade.

b.c. FasciaWall signs may not extend above the parapet or eave line.

e.d. Unless otherwise provided, the total area of wall signs ~~maximum size of a fascia sign~~ shall not exceed:

(1) In the RSF-5/10, RMD, and RMF ~~and NC~~ zones, 32 square feet ~~per street frontage~~;

(2) In the ~~NC~~, GC, and RC zones, 250 square feet;

(3) In the LI and GI zones, 350 square feet.

e. ~~If more than one business is located in a building or on a site, a wall sign the fascia sign may be shared or each business may have a wall fascia-sign provided that the total size of all signs does not exceed the size limitation. For example, if there are five businesses in a building in the GC zone, the businesses could share a 250 square foot wall fascia-sign or each business could have a 50 square foot wall fascia-sign.~~

d.f. Wall Fascia signs associated with an approved home business may not exceed 2 square feet and must comply with the provisions of KMC 17.22.040 Home Businesses.

2. Freestanding signs.

a. No more than 1 freestanding sign per street frontage may be permitted.

b. Supporting poles must be covered by wood, brick, stone, or masonry.

c. A freestanding sign may contain a message board sign if permitted in that zone.

d. Freestanding signs may not exceed the following height limitations:

- (1) In the RSF-5/10 RMD, and RMF zones, the maximum height of a freestanding sign is 8 feet;
- (2) In the NC, GC, and RC zones, the maximum height of freestanding signs is ten feet plus the distance of the sign base from the edge of the right-of-way, but no higher than twenty feet; and
- (3) In the LI and GI zones the maximum height of freestanding signs is 35 feet.

e. Freestanding signs may not exceed the following size limitations:

- (1) In the RSF-5/10 RMD, and RMF zones a freestanding sign may have two sides and shall not exceed 32 square feet per side.
- (2) In the NC, GC, and RC zones a freestanding sign may have two sides and shall not exceed 32 square feet per side.
- (3) In the LI and GI zones a freestanding sign may have two sides and shall not exceed 175 square feet per side.

f. [If more than one business is located in a building or on a site the freestanding sign may be shared provided that the total size of all signs does not exceed the size limitation. For example, if there are five businesses in a building in the GC zone, the businesses could share a 32 square foot freestanding sign.](#)

3. Freeway signs.

a. Freeway signs may only be permitted on lots abutting Interstate 5 and must be located within a one-thousand-foot radius of the interstate entry/exit point.

b. Freeway signs may not exceed 100 feet in height.

c. Freeway signs may have two sides and may not exceed 125 square feet per side.

d. [Freeway signs may include a message board sign.](#)

4. [Monument signs.](#)

5. [Projecting signs.](#)

Commented [GD6]: Can a business have a freestanding sign and a monument sign?

Commented [GD7]: Currently there are no standards for monument signs, but they are generally regarded as the most appealing type of sign.

Commented [GD8]: Need size standards for projecting signs, which may change next paragraph.

- a. Projecting signs may encroach into public right-of-way (sidewalks) up to three feet if vertical clearance of eight feet to ten feet is maintained, up to four feet if vertical clearance of ten to twelve feet is maintained and up to six feet if at least twelve feet of vertical clearance is maintained.

5-6. Temporary signs.

- a. Temporary signs or banners may be displayed for up to seven days provided that they are removed within one day after the event or activity;
- b. ~~In the Downtown Design Review Overlay District, t~~Temporary portable sandwich board signs may be placed on site, or in the public right-of-way (sidewalk) under the following conditions:

- (1) Sandwich board signs, including the assembly, shall not exceed twelve square feet in total area;

- (2) Sandwich board signs shall not be utilized and/or displayed only during business hours for longer than twelve hours at a time. This shall generally be interpreted to mean daylight hours;

~~Such signs shall be utilized exclusively for downtown businesses or events;~~

- (3) Sandwich board signs shall not be placed so as to obstruct pedestrians or impede access to buildings, traffic. A minimum of forty-four inches of travel area must be maintained at all times, ~~per~~in accordance with—the Americans with Disabilities Act requirements; and

- (4) Sandwich board signs shall be professionally designed and constructed.

- b. Subdivision signs shall include those about the advertising of residential lots that identify the developer, architect, engineer, real estate company and a lot design. Maximum copy area is thirty-two square feet for one side, sixty-four square feet for two sides. Subdivision signs shall be removed within thirty-six months after the recording of the final plat.
- c. Banners, streamers, strings of pennants, fabric signs, strings of lights, clusters of flags, wind-animated objects, balloons, search lights, temporary signs on vehicles and other similar devices of a carnival nature, or a group of temporary portable signs when displayed on private property for nonresidential uses: rigid material signs cannot exceed twenty square feet in area; fabric signs, wind-animated objects, balloons and temporary signs on vehicles cannot exceed fifty square feet in area. These types of signs shall be removed within thirty days of being permitted.

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Draft Revised Sign Regulations
May 6, 2016*

- d. Paper or nylon window signs cannot exceed fifty percent of the window area and must be removed within thirty days after being permitted.
- F. Abandoned signs. Any abandoned or illegal sign, any sign that exists after a business closes that advertised the closed business, any graffiti placed on a sign, building, parking lot or landscaped area, or any temporary sign that exists after its expiration time is hereby declared to be a danger to the health, safety, and welfare of the citizens of Kelso. Any sign that is partially or wholly obscured by the growth of vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety and welfare of the citizens.
- 1. Such signs are hereby deemed to be a public nuisance and shall be removed by the property owner within ten days after notice from the City. Any sign not removed following such notice may summarily be abated by the City in accordance with Chapters 1.50 and 8.24.
 - 2. Legal, conforming structural supports for abandoned signs may remain, if installed with a blank sign face and supporting structures are maintained.

Chapter 19.79 SMALL WIND ENERGY SYSTEMS

Sections:

- 19.79.010 Purpose.**
- 19.79.020 Definitions.**
- 19.79.030 Applicability.**
- 19.79.040 Regulatory framework.**
- 19.79.050 General requirements.**
- 19.79.060 Permit application requirements.**
- 19.79.070 Building-mounted SWES.**
- 19.79.080 Windmills used to pump water.**
- 19.79.090 Height limit – Windmills for aesthetic purposes only.**
- 19.79.100 Abandonment requirements.**

19.79.010 Purpose.

The purpose of this chapter is to facilitate the installation and construction of small wind energy systems in the city of Longview, subject to reasonable restrictions to protect life, health, safety and to minimize visual impacts.

19.79.020 Definitions.

As used in this chapter the following terms shall have the meanings indicated:

- (1) “FAA” means the Federal Aviation Administration.
- (2) “Small wind energy system (SWES)” means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes any of the following to accomplish this production: a wind turbine, rotor blades, tower, foundation, and associated control or conversion electronics, which has a rated capacity of not more than 20 kW and which is intended to primarily reduce on-site consumption of utility power.
- (3) “Wind turbine total height” means the distance measured from the grade plane to the tip of the rotor blade when extended vertical to its highest point.
- (4) “Wind turbine” means any of the parts of the small wind energy system including, but not limited to, the rotor blades, generator, housing, tail, guyed wire, foundation or other items necessary to erect, maintain or operate a small wind energy system.

19.79.030 Applicability. 

The requirements set forth in this chapter shall govern the siting and permitting of small wind energy systems used to generate mechanical or electrical energy to perform work, and which may be connected to the utility grid pursuant to Chapter [80.60](#) RCW (Net Metering of Electricity), serve as an independent source of energy, or serve as part of a hybrid system.

19.79.040 Regulatory framework. 

(1) A SWES may be installed for the production of energy if it:

- (a) Uses as its fuel wind;
- (b) Is located on the power beneficiary’s premises;
- (c) Is intended primarily to offset part or all of the beneficiary’s requirements for electricity; provided, excess energy may be sold on the utility grid; and
- (d) Is accessory to the beneficiary’s use of the premises for other lawful purposes.

(2) A SWES on a tower may be installed in any land use zone of the city of Longview, except the downtown commerce district and the portion of the civic center district located south of Maple Street, per the requirements as given in Table 19.79.040 – 1.

Table 19.79.040 – 1

| Lot Size | Number of Towers Per Lot | Pole Type | Total Height¹ | Setbacks² |
|-----------------|---------------------------------|--------------------------|---------------------------------|-----------------------------|
| 0 – 2.5 acres | 1 | Monopole | Maximum 40 feet | 1.1 times height |
| > 2.5 acres | 1 | Monopole, guyed, lattice | Maximum 60 feet | 1.1 times height |

- 1 Total height shall be the distance measured from the grade plane to the tip of the rotor blade when extended vertical to its highest point.
- 2 As measured from the lot lines of the subject property.

19.79.050 General requirements. 

(1) The following visual appearance, lighting and power line requirements shall apply to all SWES:

(a) Wind turbines shall be painted a nonreflective, nonobtrusive color. Small wind energy towers shall maintain galvanized steel, brushed aluminum, white or gray finish, unless FAA standards require otherwise.

(b) At SWES sites, the design of buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the SWES to the natural setting and the existing environment.

(c) No SWES shall be artificially illuminated, except to the extent required by the FAA or other applicable authority. One yard light may be attached to the tower. The yard light shall be located no more than 25 feet above ground level and shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which it is placed.

(d) No SWES shall be used for displaying any advertising except for reasonable identification of the manufacturer. The manufacturer's identification sign can be no larger than one square foot in size. This limitation on advertising shall not apply in commercial zones; provided, that the advertising is otherwise in compliance with the provisions of Chapters [16.13](#) and [19.46](#) LMC.

(e) Electrical controls, control wiring and power lines shall be wireless or underground after reaching grade from the turbine and extending away from the base of the tower. Wiring may be exposed vertically from the turbine to the base of the tower.

(2) Guyed, lattice and monopole towers are allowed to support wind turbines per the limitations as outlined in Table 19.79.040 – 1.

(3) In addition to the setback requirements given in Table 19.79.040 – 1, the following setback requirements shall apply:

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- (a) At the time of application, each SWES tower shall be set back from the nearest nonparticipating building structure (i.e., buildings on neighboring land) a distance no less than one and one-half times its total height.
- (b) Communication and Electrical Lines. Each SWES tower shall be set back from the nearest above-ground public or private nonparticipating electric power line or telephone line a distance no less than one and one-half times its total height, determined from the existing power line or telephone line or easement.
- (c) Setbacks shall be measured to the outer edge of the base of the SWES tower structure. Guy cables and other accessory support structures may be located within setback areas.
- (4) Audible sound due to SWES operations shall not exceed 55 dBA for any period of time, when measured at the property line of any abutting property. The sound level may, however, be exceeded during short-term events such as utility outages and/or severe wind storms.
- (5) The rotor blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the rotor blades.
- (6) The following safety requirements shall apply to all SWES.
- (a) Wind turbine towers shall not be climbable up to 12 feet above ground level.
- (b) All electrical equipment shall be safely and appropriately enclosed from unintentional access by means such as barrier fencing, equipment cabinetry or similar means. All access doors to electrical equipment shall remain locked unless access is necessary.
- (c) Appropriate warning signage (i.e., electrical hazards) shall be placed on SWES equipment.
- (d) All SWES shall be equipped with manual and/or automatic overspeed controls to limit rotation of the rotor blades to a speed below the designed limits of the system.
- (e) Any SWES found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards. Any SWES found to be unsafe shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the city building code relative to unsafe structures and equipment.
- (7) All SWES shall comply with the Longview Municipal Code and all applicable federal and state requirements.

(a) All SWES must comply with all regulations of the Federal Aviation Administration (FAA), including any necessary approvals for installations close to airports.

(b) All SWES shall comply with all applicable sections of the Washington State Building Code and adopted International Building Codes.

(c) All SWES shall comply with requirements per the Washington State Department of Labor & Industries (L&I) and the current adopted edition of the National Electrical Code (NEC).

(d) All SWES that are connected to the utility grid shall comply with the requirements of Chapter [80.60](#) RCW, Net Metering of Electricity.

19.79.060 Permit application requirements. 

In addition to all other building permit application requirements, the following items shall be provided by the applicant for a SWES building permit application.

(1) Description of the project including specific information on the type, size, rotor material and diameter, rated power output, performance, safety, and maximum noise characteristics of the system, including name and address of the manufacturer, model and serial number.

(2) A site plan showing:

(a) The planned location of the SWES on the parcel and type and location of any associated support structures.

(b) The location of and distance to all SWES setback lines, property lines, roads, adjacent properties, ROWs, any overhead utility and/or communication lines on the subject property and adjacent properties within 300 feet of the SWES base, and easements.

(c) The location of all buildings on the parcel and immediately adjoining parcels, including the building(s) use.

(3) A scaled representation of the SWES showing the system height and rotor diameter and evidence that the proposed height does not exceed the height recommended by the manufacturer of the system or any limitation contained in this chapter.

(4) Structural drawings and an engineering analysis from the SWES manufacturer or a licensed professional showing compliance with the current adopted Washington State Building Code and International Building Code. The engineering analysis must include a complete analysis of the tower, the

tower foundation and the connection of the tower to the foundation. The engineering analysis must be completed by a licensed engineer certified to practice in the state of Washington.

(5) Description of emergency and normal shutdown procedures.

(6) If a SWES is intended to be connected to the utility grid, the applicant must provide written documentation that the provider of electrical service to the property has been notified of and agrees to the intent of the applicant to install an interconnected electricity generator to the electricity grid.

19.79.070 Building-mounted SWES. 

(1) If a building-mounted system is proposed, the roof and/or wall of the structure shall be certified by a licensed professional engineer to be structurally sufficient to support the proposed SWES under all applicable design requirements.

(2) In all zoning districts, one building-mounted wind turbine is permitted per the following standards:

(a) The rotor blade tip is no less than eight feet and no more than 15 feet from the highest point of the roof.

(b) The rotor blade can be no more than 3.3 feet in diameter.

(c) The SWES may be located on the primary building or an accessory building. However, no portion of the SWES shall encroach within 25 feet of the front property line, 15 feet of the rear property line and 10 feet of the side property lines.

(3) For zoning districts other than the R-1, R-2 and TNR districts, a SWES system with more than one wind turbine may be allowed upon receiving a special property use permit per Chapter [19.12](#) LMC.

19.79.080 Windmills used to pump water. 

Windmills used to pump water are a permitted use in the R-1 residential district provided the windmill meets the standards in this chapter except for those standards specifically relating to the generation of electricity.

19.79.090 Height limit – Windmills for aesthetic purposes only. 

In all residential zoning districts, windmills constructed for aesthetic purposes only shall not exceed a total height of 20 feet.

19.79.100 Abandonment requirements. 

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(1) At any time a SWES is scheduled to be abandoned or is discontinued, as later described, the owner shall notify the director or designee by certified U.S. mail. Upon abandonment or discontinuation of use, the owner shall physically remove the SWES within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the discretion of the director or designee. The term “physically remove” shall include, but not be limited to:

(a) Removal of the wind turbine and tower and related above grade structures.

(b) Restoration of the location of the SWES to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

(2) In the event an owner fails to give such notice as required in subsection (1) of this section, the building official, code enforcement officer or designee may presume an SWES is abandoned or discontinued if it has been out-of-service, or not generating power, for a continuous six-month period. If any SWES is not operational for a period of six consecutive months, the director or designee may issue a notice of abandonment to the owner of the SWES. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice receipt date. The building official, code enforcement officer or designee may withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides sufficient information to demonstrate that the SWES has not been abandoned.

(3) If the owner fails to respond to the notice of abatement or if after review by the director or designee it is determined that the SWES has been abandoned or discontinued, the owner of the SWES shall remove the SWES at the owner’s sole expense within three months of receipt of the notice of abandonment. If the owner fails to physically remove the SWES after the notice of abandonment procedure, the city shall have the authority to enter the subject property and physically remove the SWES and to recover costs associated with that removal from the property owner.